

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

EDWARD HUDAK,)
)
Petitioner,) Civil Action No. 13-259
)
 v.) Judge Cathy Bissoon
STATE OF PA, *et al.*,) Magistrate Judge Maureen P. Kelly
)
)
Respondents.)

MEMORANDUM ORDER

On July 18, 2013, this case was referred to United States Magistrate Judge Maureen P. Kelly for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b)(1)(A) and (B), and Rules 72.C and 72.D of the Local Rules for Magistrates.

On July 24, 2013, the Magistrate Judge issued a Report (Doc. 12) recommending that the Respondents' Motion to Dismiss (Doc. 9) Petitioner's request for relief under 28 U.S.C. § 2254 be granted, and that a certificate of appealability be denied. Service of the Report and Recommendation was made on the parties, and no objections have been filed.

After a review of the pleadings and documents in the case, together with the Report and Recommendation, the following Order is entered:

Respondents' Motion to Dismiss (**Doc. 9**) is **GRANTED**; a certificate of appealability is denied; and the Report and Recommendation of Magistrate Judge Kelly dated July 24, 2013 hereby is adopted as the Opinion of the District Court.

IT IS SO ORDERED.

August 14, 2013

s\Cathy Bissoon

Cathy Bissoon

United States District Judge

cc (via ECF email notification):

All Counsel of Record

cc (via First-Class U.S. Mail):

Edward Hudak
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